

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**



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Order Instituting Rulemaking Into)
Implementation of Federal Communications)
Commission Report and Order 04-87, As It) R. 04-12-001
Affects The Universal Lifeline Telephone)
Service Program.)
_____)

**COMMENTS OF THE UTILITY REFORM NETWORK, THE NATIONAL CONSUMER LAW
CENTER, DISABILITY RIGHTS ADVOCATES, UTILITY CONSUMERS' ACTION NETWORK
AND THE LATINO ISSUES FORUM
ON COMMISSIONER GRUENEICH'S RULING TEMPORARILY SUSPENDING
PORTIONS OF G.O. 153 RELATING TO THE ANNUAL ULTS/CALIFORNIA
LIFELINE VERIFICATION PROCESS**

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November 6, 2006

I. INTRODUCTION

The Utility Reform Network, National Consumer Law Center, Disability Rights Advocates, Latino Issues Forum, and the Utility Consumers' Action Network (hereinafter referred to as "Joint Consumers") respectfully submit these comments pursuant to the instructions in the Assigned Commissioner's Ruling (ACR) Temporarily Suspending Portions of G.O. 153 Relating to the Annual ULTS/ California Lifeline Verification Process.

II. DISCUSSION

A. Joint Consumers Support the ACR and the Expeditious Convening of a Workshop

The Joint Consumers commend Commissioner Gruenich for this prompt and appropriate ACR. While the Joint Consumers were prepared for some initial hitches in the roll-out of the modified Lifeline/ULTS program and the switch to a third-party administrator, the magnitude of the reported low return rate for verification forms and the level of consumer confusion indicate that there are some systemic and/or process problems that need to be resolved. The marked low response rate for the new verification forms of 29% to 49% compared to the prior industry response rate of 70%, the enormous number of written appeals to Lifeline denials of between 300-500 letters per day, and the incredibly high volume of calls to the CAB and utilities by these customers are clear signs that the Commission needs to assess the situation. Thus, temporarily suspending the verification rules for six months is more than justified, as is the call to expeditiously schedule a workshop to begin identifying and addressing the problems with the new verification program.

The Commission must consider several potential points of failure of the current process in order to determine the best solutions. First is the problem of customer confusion resulting from poor outreach and education as described in the ACR. Second, Solix, the carriers, and Commission staff may be having implementation problems as a result of improper training and an ambitious roll-out schedule. For example, confused and upset Lifeline customers have also contacted consumer organizations about fees they are being charged by the carriers to be removed from the program, a violation of G.O. 153. Third, there may be systemic problems in the way in which the program was designed including

outreach, forms, process, and computer systems that are just not working and need to be reviewed.

While immediate short-term fixes are crucial, the Commission must look at each of these elements to properly diagnose the problem and be prepared to make not only short-term fixes such as increased outreach and credits for customers erroneously charged fees or deposits, but also systemic fixes where necessary.

B. The Proposed Solutions

It is difficult for the Joint Consumers to assess whether the proposed solutions in the ACR are adequate to address the problems because of the current lack of information on the status of the rollout of the Lifeline process and program. To gather sufficient information, specific recommendations for the workshop are provided below. As for the particular solutions proposed in the ACR, the Joint Consumers feel that they are a good start even though more will likely be needed.

Messages on the verification envelopes: Joint Consumers suspect that some of the consumer confusion may be due to the change in logo and name. The English and Spanish notice on the envelope may help. Joint Consumers also believe that at least one Asian language should also be included on the envelope. Nevertheless, it is very likely that the envelope will still be perceived as junk mail. Some consumers have reported thinking that the new program was a solicitation for long distance service. Perhaps marking the envelope with the old program name, “ULTS,” which has previously been used successfully to identify ULTS-related materials would be more effective. The new logo and name next to the recognizable name may help consumers make the connection that this mailing concerns their ULTS/Lifeline program. At least for the first year or two, the annual utility notices about Lifeline required under G.O. 153 § 4.3 could also contain the old ULTS name as well as the new logo and name. At least for the short term, this may help reinforce the connection between the new logo and name and the assistance program allowing the subscriber to properly identify the notices.

Second verification form during the 31-80 day dead zone: Joint Consumers support sending a second verification form to non-responding consumers and, as discussed below, would like to confirm in the

workshop that the disqualification and appeals part of the process is being implemented properly and explore ways to facilitate this part of the process.

Use of the automatic dialers: Joint Consumers are concerned that the automatic dialer messages will be perceived as telemarketing calls or viewed as intrusive measures. Joint Consumers also note that auto-calls cannot be used with TTY machines – dialing a TTY is like dialing a fax machine; it is simply incompatible with a voice call. Either individual TTY calls must be made to callers who use TTY as their primary mode of telecommunication, or some other mechanism must be developed for TTY customers. Joint Consumers also urge that the message emphasize and clearly provide the toll-free hotline number (and TTY number) for more information. Joint Consumers point out that automatic dialer messages and any outreach efforts must be accessible in different languages and accommodate consumers with disabilities, if used.

New tri-fold brochure: Joint Consumers urge caution in the over-reliance on a brochure to disseminate information about the new program. A brochure cannot replace the effectiveness of a serious outreach campaign that taps into the existing community networks. If not already being done, other agencies including community based organizations (CBOs) and government agencies serving low-income populations should be asked to help disseminate information about the new program and new process. A larger media campaign involving ethnic media and public service announcements (PSAs), should also be considered. The brochure could be part of this larger outreach effort, but should not be considered a major outreach strategy in and of itself.

C. Customer Concerns

Consumer organizations and CBOs have also received numerous complaints about the new process. Subscribers to the program, including limited English proficient populations, and the CBOs that serve them, do not seem to understand the new process. This is perplexing due to the well-respected outreach program of the previous ULTS program and the assurances by the Commission during the proceeding that education and outreach will continue. As discussed below, the workshop should investigate

whether the previous outreach program is being fully utilized for the new program and if not, why it is not.

Consumer groups such as UCAN and CBOs contracted by the Communities for Telecom Rights have received calls that indicate problems in addition to poor outreach may also exist. First, it appears consumers are being charged a fee, between \$5-\$15, when they are removed from the program and returned to basic service, a violation of G.O. 153, Sec. 5.5. *This must be investigated and the affected customers must be credited these fees as soon as possible.* Second, customers are complaining that the disqualification letter sent by Solix provides no contact information or specific information about the process. Third, it appears that even when customers believe they have done everything correctly, there is still the possibility of being kicked off of the program because forms are lost or not input properly. The Commission must not only assume that customer confusion is to blame for the low participation, but it must also look at the performance and processes of Solix to ensure forms are being sent out in a timely manner, to the correct address, in the proper language, and that completed form are being entered into the system properly. Fourth, even if a customer does know to call Solix if they have questions, it is also our understanding that the Solix customer representatives have not always been properly trained and may inadvertently provide incorrect or confusing information or direct them to their phone carrier which, under the new system, has no involvement in this process. The Commission must ensure that all Solix personnel and carrier customer service representatives are being properly trained. The Commission must determine which issues need merely short-term fixes and which ones represent systemic problems that must be addressed for the long term.

D. Oversight and Mandatory Review

Joint Consumers renew their request, made during the proceeding, for a formalized schedule to review the rollout of the new program, including the certification and appeals processes. Joint Consumers also request a process whereby interested parties can obtain regular updates on the enrollment rates, verification rates, complaints, and appeals. This will provide a means to monitor the program and address problems early on.

E. Proposed Workshop Topics

Joint Consumers look forward to participating in the upcoming workshop. Joint Consumers urge that the Commission strongly encourage the participation of the groups with whom the Commission contracts to do outreach and the larger outreach network, which includes CBOs and agencies that provide assistance to low-income consumers, seniors and the disabled. Additionally, there should be accountability for the outreach as measured by monitoring and reporting requirements for Solix and the carriers. The Joint Consumers propose the following topics be addressed at the workshop:

1. Identification of the problems
 - Step-by-step walk-through of the new TPA process as it has been implemented
 - Review of all the notices and forms sent to the consumer by TPA
 - Discussion of the consumer complaints (fees, billing questions, where to get information, etc.)
 - A discussion/report of whether the certification process for new subscribers is experiencing any of the same problems
 - Report on the current outreach efforts to promote the new Lifeline program and educate participants on the changes
2. Discussion of other possible solutions (short-term and systemic)
 - Improved/increased outreach (e.g. increased utilization of CBOs, PSAs, brochures, bill inserts, carrier efforts)
 - Inter-agency collaboration with low-income assistance programs
 - Implementation of monitoring and review process
 - Necessary revisions to the current process or forms and notices
 - Increased training of Solix personnel, Commission staff, and CBO staff
 - Expedited implementation of web-based system for enrollment

Joint Consumers do not intend this to be an exhaustive list, but want to give some notice to workshop participants of the minimum issues that must be discussed to properly address this problem.

III. CONCLUSION

The Joint Consumers appreciate and support Commissioner Gruenich's ACR to temporarily suspend portions of G.O. 153 relating to the annual ULTS/ California Lifeline verification process and to identify and address the causes of the low verification rate. We look forward to working with the Commission and other parties to shore up the verification process and to facilitate and maintain the high Lifeline participation rate that the state has been able to achieve in the past.

November 6, 2006

Respectfully submitted,

/s/_____

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CERTIFICATE OF SERVICE

I, Cory Oberdorfer, certify under penalty of perjury under the laws of the State of California that the following is true and correct:

I served the attached:

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NETWORK AND THE LATINO ISSUES FORUM
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by sending said document by electronic mail to each of the parties on the Service List of
R.04-12-001.

Executed this November 6, 2006 in San Francisco, California.

_____/s/_____

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CALIFORNIA PUBLIC UTILITIES COMMISSION

Service Lists

Proceeding: R0412001 - CPUC-ILECS, CLECS -

Filer: CPUC - ILECS, CLECS

List Name: INITIAL LIST

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